

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROD EDDIE, PAULA EDDIE and McCLINTOCK
REALTY, INC.

07

CV

3457

Civil Action No.

NOTICE FOR REMOVAL

Plaintiffs,

-against-

SCOTTSDALE INSURANCE COMPANY,

Defendant.

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TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

Defendant SCOTTSDALE INSURANCE COMPANY ("Petitioner"), by and through its attorneys, TRAUB EGLIN LIEBERMAN STRAUS LLP, hereby files this Notice of Removal, pursuant to 28 U.S.C. §1446, to remove the foregoing cause to the United States District Court for the Southern District of New York and respectfully states as follows:

1. A civil action was commenced and is now pending in the Supreme Court of the State of New York, County of Orange, under Index number 2507/2007, in which ROD EDDIE, PAULA EDDIE and McCLINTOCK REALTY, INC. are the Plaintiffs and Petitioner is the Defendant.

2. This is a civil action for a declaratory judgment regarding insurance coverage and for money damages due to the alleged breach of an insurance contract. Plaintiffs, ROD EDDIE, PAULA EDDIE and McCLINTOCK REALTY, INC., allege that on or about August 8, 2006, property owned by plaintiffs was destroyed and damaged by a fire. Plaintiffs allege that they are entitled to recover the costs and expenses to compensate for their loss, estimated at \$362,464.00. Accordingly, the amount in controversy in this suit is in excess of the sum of \$75,000, exclusive of interest and costs. A copy of the Summons and Complaint in the New York State Court action is

annexed hereto as Exhibit A. Upon information and belief, the summons and complaint constitute the entirety of all process and pleadings filed in said action.

3. This action is one in which the District Courts of the United States have original jurisdiction under 28 U.S.C. §§ 1332 and 1441 based upon diversity of citizenship and the amount in controversy. There is complete diversity of citizenship between Plaintiffs and Defendant.

4. This action involves a controversy between citizens of different states, in that, upon information and belief:

- (a) Plaintiffs, ROD EDDIE AND PAULA EDDIE, are now, and/or were at the time said action was commenced, residing at 32 Walnut Street, New Windsor, Orange County, New York, 12553.
- (b) Plaintiff, McCLINTOCK REALTY, INC., is now, and/or was at the time said action was commenced, a New York Corporation with its office or principle place of business located at 1057 State Road, Walden, Orange County, New York, 12586.
- (c) Petitioner, SCOTTSDALE INSURANCE COMPANY, is now, and was at the time said action was commenced, incorporated under the laws of the State of Ohio, with its principal place of business located at P.O. Box 4110, Scottsdale, Arizona 85261. Copies of the Ohio Secretary of State, Division of Corporations "Business Information" printout, and the Arizona Department of Insurance "Insurer/Agent Information" printout for SCOTTSDALE INSURANCE COMPANY are annexed hereto as Exhibit B;

5. Petitioner received service of process of this matter on or about April 13, 2007, via certified mail delivery from the State of New York Department of Insurance. See Exhibit A.

6. This Notice of Removal is timely in that it is filed within thirty (30) days of the receipt by Petitioner of the initial pleading. Petitioner has not appeared in the state court action.

7. Written notice of this Notice of Removal will be served on plaintiff promptly after the filing of this petition, as is required by law.

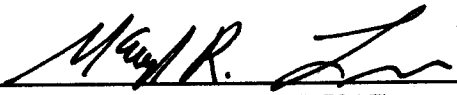
8. A true and correct copy of this Notice of Removal will be filed with the Clerk of the Supreme Court of the State of New York, New York County, promptly after the filing of this Notice of Removal, as is required by law.

9. By filing this Notice of Removal, Petitioner does not waive any defense which may be available to it.

WHEREFORE, Petitioner prays that this action proceed in this Court as an action properly removed thereto.

Dated: Hawthorne, New York
April 30, 2007

TRAUB EGLIN LIEBERMAN STRAUS LLP

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